

**Exhibit 29**

**Silver Default Judgment Motion with Second Circuit**

## MOTION INFORMATION STATEMENT

Docket Number(s): 14-2664bk

Caption [use short title]

Motion for: Default Judgment

In re: Residential Capital, LLC

U.S. COURT OF APPEALS  
SECOND CIRCUIT

2014R00000-6 PM 3:47

Set forth below precise, complete statement of relief sought:

**Appellant seeks Default Judgment for the whole amount of her \$3,000,000.00 claim plus NY 9% statutory interest from 12/17/13 until the claim is finally paid.**

MOVING PARTY: Francine Silver

Plaintiff  Defendant  
 Appellant/Petitioner  Appellee/Respondent

OPPOSING PARTY: Residential Capital, LLCMOVING ATTORNEY: Francine Silver (pro se)OPPOSING ATTORNEY: Jordan A. Wishnew

[name of attorney, with firm, address, phone number and e-mail]

8613 Franklin Ave Los Angeles, CA 90069

Morrison and Foerster

Tel (310) 945 6105

250 West 55th Street New York, NY 10019-9601

email MarcusDanielSilver@gmail.com

(212) 336 4328 email jwishnew@mfo.com

Court-Judge/Agency appealed from: Judge Daniels - DC Court: SDNY (NEW YORK CITY)

Please check appropriate boxes:

Has movant notified opposing counsel (required by Local Rule 27.1):

Yes  No (explain): \_\_\_\_\_

## FOR EMERGENCY MOTIONS, MOTIONS FOR STAYS AND INJUNCTIONS PENDING APPEAL:

Yes  No  
 Yes  No

Has request for relief been made below?

Has this relief been previously sought in this Court?

Requested return date and explanation of emergency: \_\_\_\_\_

Opposing counsel's position on motion:

Unopposed  Opposed  Don't Know

Does opposing counsel intend to file a response:

Yes  No  Don't Know

Is oral argument on motion requested?

Yes  No (requests for oral argument will not necessarily be granted)

Has argument date of appeal been set?

Yes  No If yes, enter date: \_\_\_\_\_

Signature of Moving Attorney:

*Francine Silver*  
*(PRO SE)*

Date: 11/04/14Service by:  CM/ECF

Other [Attach proof of service]

UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT

**CAPTION:**

FRANCINE SILVER v.  
RESIDENTIAL CAPITAL, LLC  
BORROWER CLAIMS TRUST

**CERTIFICATE OF SERVICE**

Docket Number: 14-2664 BK

I, MARCUS SILVER, hereby certify under penalty of perjury that on  
11/04/14 <sup>(name)</sup>, I served a copy of FORM T-1080  
REQUESTING DEFAULT JUDGEMENT  
<sup>(date)</sup>  
(list all documents)

by (select all applicable)\*

- United States Mail
- Federal Express
- Overnight Mail
- Facsimile
- E-mail
- Hand delivery

on the following parties (complete all information and add additional pages as necessary):

JORDAN A. WISHLAW. MORRISON & FOERSTER 250 W. 55TH ST N.Y. N.Y. 10019-  
Name Address City State Zip Code 9601

Name \_\_\_\_\_ Address \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

Name \_\_\_\_\_ Address \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

Name \_\_\_\_\_ Address \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

3. *U. S. Fish and Wildlife Service, Biological Report, 1980*, Vol. 1, Part 1, pp. 1-10.

Today's Date \_\_\_\_\_ Signature \_\_\_\_\_

\*If different methods of service have been used on different parties, please indicate on a separate page, the type of service used for each respective party.

## Certificate of Service Form

RECEIVED

✓

DEPT 30 PH 86151 Franklin Ave, Los Angeles CA 90069 (310) 945 6105

UNITED STATES  
SECOND CIRCUIT

In Re: Residential Capital, LLC,

**Request for Default  
Judgment by Clerk of  
Court**

Docket Number 142664

Debtor

\*\*\*\*\*

Francine Silver

Appellant,

v.

Rescap Borrower Claims Trust,

Appellee

---

Dear Ms. O'Hagan Wolfe,

Regarding my appeal, as per court records, the apellee has failed to file either a scheduling order or a reply brief within the applicable deadlines. I am kindly requesting that as Court Clerk you enter default judgment for the whole amount of my claim of \$3,000,000 plus statutory interest at 9% starting December 17<sup>th</sup>, 2013 and calculated per diem at \$740.

I am basing my request for you to enter default judgment under NY CPLR § 3215 and also under the Federal Rules of Civil Procedure Title VII, Rule 55 that states:

*(a) Entering a Default. When a party against whom a judgment for affirmative relief is sought has failed to plead or otherwise defend, and that failure is shown by affidavit or otherwise, the clerk must enter the party's default.*

*(b) Entering a Default Judgment.*

*(1) By the Clerk. If the plaintiff's claim is for a sum certain or a sum that can be made certain by computation, the clerk—on the plaintiff's request, with an affidavit showing the amount due—must enter judgment for that amount and costs against a defendant who has been defaulted for not appearing and who is neither a minor nor an incompetent person.*

I realize that you must be incredibly busy with other very important matters, so I am very appreciative of your help in resolving this at your earliest possible convenience. I am also attaching an affidavit confirming the amount owed. Thanks again for your assistance.

Respectfully,

A handwritten signature in black ink, appearing to read "Francine Silver". The signature is fluid and cursive, with a large, sweeping flourish at the end.

Francine Silver

Francine Silver  
8613 Franklin Ave, Los Angeles CA 90069 (310) 945 6105

In Re: Residential Capital, LLC,

Docket Number 142664

Debtor

\*\*\*\*\*

Francine Silver

Appellant,

v.

Rescap Borrower Claims Trust,

Appellee

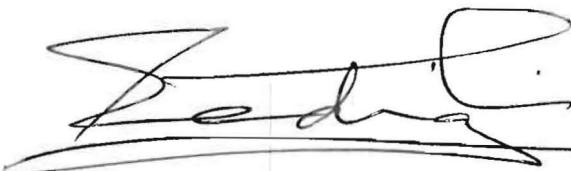
**AFFIDAVIT**

I Francine Silver duly swear and affirm under the penalty of perjury that "defendant owes the whole amount of my claim of \$3,000,000.00 plus statutory interest of 9 % per annum starting from December 17<sup>th</sup>, 2013."

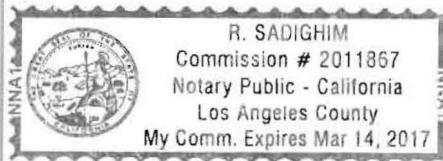
Respectfully,

  
Francine Silver Date OCT 28, 2014

Affiant appeared before me as notary, swore to the above statements and showed legal identification



NOTARY



### PROOF OF SERVICE FORM

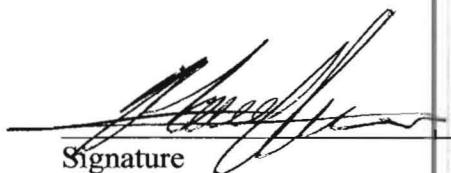
**PART 1: Delivery by U.S. Mail:** Proof of Service by Mail.

I, Marcus Silver, declare that I am over the age of eighteen years and not a party to the action. My address is 8613 Franklin Ave, Los Angeles, CA 90069

On, October 28<sup>th</sup>, 2014 2014, I served the request for the clerk to issue default judgment and affidavit in support regarding my case docket # 142664 by placing a true copy in the United States mail enclosed in a sealed envelope with postage fully prepaid, addressed as follows:

Jordan A. Wishnew  
Morrison and Foerster  
250 West 55th Street  
New York, NY 10019-9601

**PART 2:** I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on October 28th, 2014, in Los Angeles, California.



Signature

MARCUS SILVER  
Type or Print Name

 This envelope is made from post-consumer waste. Please recycle - again.



FROM:  
M. SILVER  
8613 FRANKLIN AVE  
L.A. CA 90069

TO:  
UNITED STATES COURT OF APPEALS  
THURGOOD MARSHALL U.S. CIR  
40 FOLEY SQUARE  
NEW YORK N.Y. 10007



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